

REMARKS

Applicant wishes to thank the Examiner for examining the application and the comments provided in the Office Action. The withdrawal of the §112 rejection is also acknowledged. Applicant also thanks the Examiner for granting a telephone interview with Applicant's agents, Sean X. Zhang and John Orange, conducted on February 16, 2010.

Summary of Telephone Interview and §103 Rejections

The §103 rejections were discussed. During the telephone interview, it became apparent that the §103 rejections were made without taking into account claim amendments filed on June 9, 2009. The Examiner indicated during the telephone interview that the §103 rejections will be withdrawn upon receiving this response and that further action will be taken, taking into account the amended claims and Applicant's arguments based on the amended claims filed on June 9, 2009.

Objection to the Specification

In the Office Action, the Examiner raised an objection to the specification.

Applicant has amended the specification in a voluntary amendment submitted on July 28, 2006 and a further amendment in response to an Office Action and filed on April 30, 2008. The amendments were made by adding, deleting or replacing each of the amended paragraphs. The amendments also indicated the changes by mark-ups. Furthermore, amendments identified location of each amended paragraphs by page and line numbers. Thus, it is believed that the amendments made comply with 37 CFR 1.121 (see also MPEP 714).

However, a clean version of the substitute specification, without claims, was not submitted. In the Office Action, the Examiner required Applicant to submit a clean version of the substitute specification excluding the claims. A substitute specification, excluding claims and incorporating all amendments submitted on July 28, 2006 and April 30, 2008, is submitted herewith. Another copy of substitute specification, with markings showing all changes made, is also submitted herewith. The substitute specification contains no new matter. Detailed explanations describing the amendments have been submitted on July 28, 2006 and April 30, 2008 and are incorporated herein by reference.

Application No. 10/774,877
Amendment Dated: February 17, 2010
Reply to Office Action of: August 17, 2009

Claim Rejections – 35 U.S.C. §101

In the Office Action, the Examiner rejected claims 14-36 under 35 U.S.C. §101, on the ground that the claims were directed to software *per se*. While not necessarily concurring with the Examiner but solely in order to expedite the prosecution of this application, independent claims 14 and 24 have been amended to recite a system that includes a “storage unit”, which the Examiner indicated earlier would overcome this §101 rejection. This amendment does have proper antecedent basis in the specification (see, e.g., para. [0030] of the Specification). Corresponding amendments are also made to dependent claims 18 and 19. In view of the claim amendments, it is respectfully submitted that Applicant’s claims 14-36 are not directed to software *per se* and meet the subject matter requirement under 35 U.S.C. §101. The withdrawal of the Examiner’s rejections of claims 14-36 is respectfully requested.

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Applicant requests early reconsideration and allowance of the present application.

Respectfully submitted,



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Date: February 17, 2010

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